

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 29, 2002

D036535 People v. Sherman

The judgment is reversed and the matter is remanded for resentencing, to enable Sherman to withdraw his guilty plea if the court chooses to impose more than the 32-month agreed sentence, and to permit the People to rescind the plea agreement if they desire since Sherman did not appear at the sentencing hearing. If the plea agreement is voided, the information will be fully reinstated. Huffman, J.

We Concur: Kremer, P.J., Benke, J.

D037865 People v. Graves

The judgment is affirmed as modified. The trial court shall amend the abstract of judgment and advise the Department of Corrections of the amendment. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038325 People v. Derwich

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D038743 People v. Scott

Judgment Affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038905 In re Alicia G., et al., Juveniles.

Judgments affirmed. Kremer, P.J.; We Concur: Huffman, J., McIntyre, J.

D038518 People v. Andrade

Judgment affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038547 People v. Sennet

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D037763 Tiangco v. P and G Company et al.

Affirmed. Tiangco to bear costs on appeal. Haller, Acting P.J.; We Concur: McDonald, J. McIntyre, J.

D035959 Slatton, Jr. et al. v. Weiner et al.

The judgment is affirmed. Respondent shall recover costs on appeal. Nares, J.;
We Concur: Kremer, P.J., Huffman, J.

D038951 Haigh v. Bishop

Upon written stipulation filed by the parties, the appeal is dismissed.

D036039 McAlindin v. Civil Service Commission For The County of San Diego et al.

The judgment is affirmed. The Commission is awarded costs on appeal. McConnell, J.;
We Concur: Haller, Acting P.J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 29, 2002 (Continued)

D036986 Massachusetts Mutual Life Insurance Company v. The Superior Court of San Diego County/Karges et al.

The petition is denied. Real parties in interest to recover costs. CERTIFIED FOR PUBLICATION.
Benke, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D037337 People v. Campbell

The judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

D039127 In re Morgan W. et al., Juveniles

The true findings on count 1 of each petition are reversed and the juvenile court is directed to modify the jurisdictional and dispositional orders accordingly. In all other respects, the orders are affirmed.
Benke, Acting P.J.; We Concur: Nares, J., McConnell, J.

D039981 Olvera v. Superior Court of Imperial County/People

The petition is denied.

D037421 Koerting v. San Diego County Board of Civil Service Commissioners et al.

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D037141 People v. Balverde

The order setting restitution is affirmed. Nares, Acting P.J.; We Concur: Benke, J., Huffman, J.

D036552 People v. Rios

The judgment is affirmed. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

D038321 People v. Quiroz

Judgment affirmed. McDonald, J.; I Concur: McIntyre, J., I Concur in the Result: Huffman, Acting P.J.

D039519 Lisa M. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency

The petition is denied. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.

D039232 People v. Williams

Upon filing an abandonment personally signed by the defendant, the appeal is dismissed.

D039855 In re Kux on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 30, 2002

D035303 People v. Mumm

The judgment is affirmed. Haller, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

D038617 Trapana v. The Prudential Insurance Company of America

The petition for rehearing is denied.

D039646 In re Pinedo on Habeas Corpus

The petition is denied.

D038121 Cunningham et al. v. Universal Underwriters

Judgment reversed. The matter is remanded for the trial court to vacate its order granting summary judgment to Cunningham, and to enter summary judgment in Universal's favor. Haller, Acting P.J.; We Concur: O'Rourke, J., McConnell, J.

D039677 Capps v. Superior Court of San Diego County/Tri-City Healthcare District

The petition is denied.

D039958 Applegate et al. v. Superior Court of San Diego County/Haack

The petition is denied.

D039867 Aparicio v. Superior Court of San Diego County/People

The petition is denied.

D039747 In re Garrett on Habeas Corpus

The petition is denied.

D038625 Jani-King of California, Inc., v. State of California, Department of Transportation

The judgment is reversed and the matter remanded for further proceedings consistent with this opinion. Costs on appeal are awarded to Jani-King. McIntyre, Acting P.J.; We Concur: O'Rourke, J., McConnell, J.

D037810 Nuttall v. Nuttall

The judgment is reversed to the extent that interest was awarded on principal disbursements to Michael during his lifetime and the cause is remanded for a calculation of the interest award in conformity with this opinion. In all other respects, the judgment is affirmed. Kremer, P.J.; We Concur: Huffman, J., Nares, J.

D39600 Eckles v. Wagner

The petition is denied.

D039860 Lopez v. Superior Court of San Diego County/Ramos et al.

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

April 30, 2002 (Continued)

D039739 In re Bernal on Habeas Corpus

The petition is denied.

D037084 White v. Lim, as Trustee, etc.

The order is affirmed. Costs on appeal are awarded to Lim. McIntyre, J.;

We Concur: Haller, Acting P.J., McDonald, J.

D037057 People v. Wallace

D038339 In re Wallace on Habeas Corpus

The pending petition for writ of habeas corpus is consolidated with the pending appeal for disposition.

D037057 People v. Wallace

D038339 In re Wallace on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. McDonald, J.;

We Concur: Haller, Acting P.J., McIntyre, J.

D034836 People v. Benn

The sentence is reversed and remanded in part for resentencing in accordance with this opinion. In all other respects the judgment is affirmed. Huffman, Acting P.J.; We Concur: McIntyre, J., McDonnell, J.

D039973 Olvera v. Superior Court of Imperial County/People

The petition is denied.

**D039957 The Copley Press, Inc., etc., et al. v. The Superior Court of San Diego
County/Westerfield et al.**

The petition for writ of mandate and informal responses have been read and considered by Justices Huffman, McDonald and McConnell. Westerfield's request for judicial notice is denied. The clerk of this court is ordered to return the sealed documents transmitted to us by superior court. The petition is denied.

D039985 People v. Ramirez

The denial of a petition for writ of habeas corpus is not appealable. The appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 1, 2002

D038779 In re Mumm on Habeas Corpus

The petition is dismissed as moot. The request for consolidation is denied.

D038989 In re Jose N., a Juvenile

The judgments are affirmed. Kremer, P.J.; We Concur: Benke, J., McIntyre, J.

D037779 People v. Guzman

The judgment is reversed. McDonald, J.; I Concur: McIntyre, J., I Concur and Dissent: Haller, J.

D039572 Berkson v. Appraisal Institute

Upon written stipulation filed by the parties, the appeal is dismissed.

D039926 Nussbaum v. The Superior Court of San Diego County/Adams et al.

The petition is denied.

D040001 David v. Superior Court of San Diego County/People

The petition is denied.

D039247 In re K. T., a Juvenile

The order is affirmed. Benke, Acting P.J.; I Concur: Haller, J., I Concur in the Result: McIntyre, J.

D039349 Kiacz et al. v. Fasano et al.

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 19(b)).

D039229 In re Alfonso B., a Juvenile

The judgments are affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., O'Rourke, J.

D039070 In re Ian B., a Juvenile

The judgments are affirmed. McConnell, J.; We Concur: Kremer, P.J., O'Rourke, J.

D037247 People v. Aless

The judgment is affirmed. Kremer, P.J.; We Concur: Benke, J., McConnell, J.

D038516 People v. Sanchez

The judgment is modified to specify a consecutive one-year sentence (one-third the middle term) for second degree robbery (count 4); a stayed execution of sentence (§ 654) for carjacking and its enhancement (count 2); and a total prison term of 32 years four months. As so modified, the judgment is affirmed. The trial court is directed to amend the abstract of judgment and forward the amended abstract to the Department of Corrections. McDonald, J.; We Concur, Nares, Acting P.J., Haller, J.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 1, 2002 (Continued)

D039687 Sherise M. et al. v. Superior Court of San Diego County

The attorneys for petitioner Patrick C. and Sherise M. have notified the court on behalf of petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 2, 2002

D036387 Houston General Insurance Group v. Harwell

The petition for rehearing is denied.

D036816 Miller v. Applegate

The signed release agreement was valid and constitutes a complete defense to Miller's claims. The trial court's judgment is affirmed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

D038635 Scottsdale Insurance Company v. Essex Insurance Company

The opinion filed April 8, 2002, is certified for publication.

COURT OF APPEAL OF STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE

May 3, 2002

D036543 Corriere v. Lucky Stores, Inc.

Judgment is affirmed. Lucky to recover costs on appeal. McConnell, J.; We Concur: McIntyre, J. O'Rourke, J.

D039409 In re Duncan on Habeas Corpus

The petition is denied.

D034200 People v. Plasencia

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Benke, J.

D038233 In re Plascencia on Habeas Corpus

The petition for writ of habeas corpus is denied.

D039952 Russell v. Superior Court of San Diego County/Berber

The petition is denied.

D033905 People v. Carter

D039563 In re Carter on Habeas Corpus

(Consolidated) In D033905, the judgment is affirmed. In D039563, the petition for writ of habeas corpus is denied.

D038357 In re Dorgis S., a Juvenile

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

D038637 In re Seva K., a Juvenile

The appeal is dismissed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

D038530 In re D. S., a Juvenile

The petition for rehearing is denied.

D040024 Roth v. Superior Court of San Diego County/Zoological Society of San Diego

The petition is denied.

D039640 Westerfield v. Superior Court of San Diego County/Copley Press, Inc. et al.

Let a writ issue directing the superior court to vacate its March 4 order and enter an order consistent with this opinion. The clerk of this court is ordered to return the documents transmitted under seal by superior court. Although Westerfield failed to file a formal application for sealing, his supplemental brief filed March 21 was labeled "sealed and confidential." It contains extensive passages from the warrant materials submitted to us under seal and as such it will remain sealed. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(d).) CERTIFIED FOR PUBLICATION. McIntyre, J.; I concur: McDonald, J., I concur and dissent: Huffman, Acting P.J.